

Libby Community Advisory Group

Meeting Summary

February 10, 2005

Introductions

Gerald Mueller and members of the Libby Community Advisory Group (CAG) introduced themselves. A list of the members in attendance is attached below as Appendix 1.

Agenda

The CAG agreed to the following agenda for this meeting:

- Port Authority Presentation
- Agency reports
 - EPA
 - State
 - TAG
 - LAMP
 - CARD Clinic
 - ARD Net
- Legislative Resolution
- Public comment

Port Authority Presentation

Jim Mayo discussed the following topics on behalf of the Lincoln County Port Authority.

History - The Lincoln County Commission formed the Port Authority in May of 2003. The Authority consists of a nine member board including three members each from Troy, Libby, and Eureka. The County created the Port Authority because such entities have the legal authority to own and manage property. The County charged the Port Authority with negotiating acquisition of the Stimson mill site.

Mission - The mission of the Port Authority is to develop and manage infrastructure to develop businesses in Lincoln County. More simply, the mission is to create jobs in Lincoln County.

What Has Happened at the Stimson Mill Site - Negotiations with Stimson lasted about eight months. The Port Authority considered whether it would be better to have a private developer purchase the site, but Stimson made it clear that if the County did not assume ownership the finger-joiner plant employing 25 - 30 people would likely be closed. The Port Authority decided that more value could be extracted from the property through County ownership, and so it took ownership. Although the Port Authority sought to obtain a clean site from Stimson, it has two environmental issues. The central maintenance building which is two acres in size has asbestos-contamination from vermiculite insulation, and the old nursery site on the property has contaminated vermiculite.

Some 106 people currently work at the site. Businesses at the site include:

- An operation which breaks rocks to make large architectural-type stones that have been sold to locations including Big Sky;
- A wood-fired boiler manufacturer;

- An office housing two EPA contractors;
- A cabinet manufacturing operation; and
- A moto-cross track.

Port Authority assets at the Stimson mill site include eight acres under roof, a 34 kilovolt power line, water rights in Libby Creek, and a mile long rail spur. Some of these assets are also liabilities. The buildings are not in good shape. Both the water and electrical systems have problems. The Port Authority initially borrowed \$96,000 from the Lincoln Area Development Corporation (LADC). The Port Authority also has received \$554,000 from a Community Development Block Grant (CDBG) and another \$300,000 from LADC. Some of these funds have been used to hire a contractor, CTA, to determine the condition of the site buildings and to develop an economic and architectural plan for the site. CTA's engineering study confirmed that the buildings are in need of repair. The economic analysis identified types of businesses that would fit in Libby. The architectural plan developed would require about \$55 million to implement.

The Port Authority has learned that the ability to respond quickly to the needs of prospective businesses is critical. One log home business considering the Stimson site was lost because the Port Authority could not react quickly enough.

The Port Authority has hired a site manager, Damon Fisher, who is a professional engineer. Mr. Fisher is responsible for addressing the needs of current site businesses and for coordinating with the appropriate federal, state, and local government agencies, including: EPA; the Montana Departments of Environmental Quality and Fish, Wildlife and Parks; the Libby City Council; and the Kootenai River Country Development Council (KRDC).

Future of the Stimson Mill Site - The Port Authority objectives for this property include:

- Obtaining an EPA cleanup of the central maintenance building and then renting it;
- Improving the existing buildings;
- Building a new building using the \$554,000 CDBG funds;
- Improving the site roads, water and sewer system, sidewalks, and signs to create a location attractive to new businesses;
- Establishing a tax increment financing district which would allow property taxes from site improvements to be used to pay for additional site infrastructure improvements; and
- Possibly selling some land along Highway 2 and/or Libby Creek.

The overall goal is to create 30 new jobs per year at the site. At present the business recruitment is being conducted by KRDC, an economic development agency recognized throughout the state. However, KRDC's has been funded by a three year grant from LADC, and this grant runs out this year. The Port Authority plans to find a way to fund KRDC so that it can continue its economic development function for Lincoln County.

Possible recruiting targets include a post and pole operation now located in Idaho, Burlington Northern Railroad which may be seeking a 500 acre site on which to assemble and disassemble trains, Smurfit-Stone which may be interested in the large pile of wood chips now on the site, a fire arms manufacturer; and a car detailing business. The College is helping to attract new businesses by writing business plans for them.

The Port Authority meets on the second Monday of each month at 5 p.m. at the College. The meetings are open and the public is welcomed to attend.

CAG Member Question - Who are the nine members of the Port Authority Board?

Answer - Commissioner Marianne Roose, Amy Guth, Russ Barnes, Ardell Filler, Dan Larson, Mike Henry, Chris Fox, Stan Kargol, and Jim Mayo.

CAG Member Question - Are the clay banks a part of the Stimson mill property?

Answer - Most of them.

CAG Member Comment - A friend told me that the clay was analyzed and determined to be ideal for making bricks.

Response - We would appreciate any suggestions that might lead to new businesses on this site.

CAG Member Question - Have you determined where to build the new building?

Answer - Not yet. We need a survey first. We are looking at a location the left of the dispatch office. We probably won't build a building until we understand what a potential tenant might need from it.

CAG Member Question - Are you considering using any portion of the site for parks and recreation?

Answer - We are open to all potential uses. The site has a existing path suited to walking.

CAG Member Question - Four wheel and snow mobile clubs might wish to use the site as an assembly and starting area.

CAG Member Question - Does the Port Authority own the haul bridge across the Kootenai River?

Answer - No. The bridge is owned separately by the County.

CAG Member Question - You mentioned that the Port Authority might sell some portion of the property. Who could authorize such a sale?

Answer - The Port Authority's nine member board.

CAG Member Question - Would you consult with the community before doing so?

Answer - We cannot consult over every decision; however, when such consultation would be needed, it will happen. For example, CTA held public consultation meetings regarding the plans it developed for us.

CAG Member Comment - The spur rail line on the property may have asbestos contamination from an old exfoliation plant.

Response - EPA has told us that there is not enough contamination to be a primary concern. Significant contamination will be addressed.

EPA Report

Peggy Churchill reported on behalf of EPA on the following topics.

W.R. Grace Indictments - As was reported earlier this week in the press, indictments of W.R. Grace officials were issued. Questions concerning them should be addressed to the US Attorney

Bill Mercer, who can be reached at (406)542-8851. The EPA cleanup staff cannot discuss the indictments.

Residential Cleanups - Cleanup work will resume on February 21. A task order has been awarded for cleaning fourteen properties and another will be awarded next week for nineteen additional properties. The target for residential cleanups this year remains at 170, and we intend to clean about twenty properties per month through the construction season.

Asbestos Conference - We were asked at the last CAG meeting if EPA has plans for another asbestos conference in Libby. We do not now have plans for a conference. We will have a public session in about four months to explain the subjects covered at last fall's meeting with the TAG in Denver. We are calling this session "Denver Lite."

New Administrator - Former Administrator Leavitt has been confirmed to head a different agency. Steven Johnson has been appointed as Acting Administrator until a new one is confirmed.

Johnson Acres - Geo-probe samples were taken this property without detecting any visible amounts of vermiculite or mine tailings. The City will begin cleanup at this site this spring.

State Report

Catherine LeCours reported on behalf of DEQ. She recently met with the Troy City Council. She is working on a study to define the cleanup boundary for the Troy area. Next month she will begin interviewing members of the Troy community to identify their needs, perceptions, thoughts, and expectations regarding the pending cleanup.

TAG Report

LeRoy Thom reported on behalf of the TAG. Originally, the TAG intended to present a one hour summary of what each member learned who traveled last fall to Denver to hear EPA's presentation regarding the cleanup risk assessment. Because of EPA's plan to present the "Denver Lite" conference, rather than take the hour for the individual summaries now, Mr. Thom read the document contained in Appendix 2 below summarizing the main points from the meeting.

CAG Member Comment - I attended the TAG meeting at which the Denver meeting was discussed. I asked if the toxicity level of Libby tremolite asbestos discussed at the meeting and was told it was not.

Response by Peggy Churchill - We have made available a copy of the notebook which was provided to each participant in the Denver meeting. The notebook contains material explaining how the toxicity of the Libby asbestos fiber was factored into the risk assessment modeling. Given the amount of information covered at the meeting, it is not surprising that the TAG members may not have included this topic in the summary of the main points from the workshop.

CAG Member Comment - I have been given a copy of the notebook, so I can look for this information in it.

LAMP Report

LeRoy Thom provided a year-end summary for 2004 for the Libby Area Medical Plan (LAMP). At the beginning of 2004, LAMP had funds totaling \$2,764,470. Total expenses for the year were \$214,992. Of the expenses, \$44,392 was spent on general administration and \$170,600 on health care including medical screening, supplemental care, etc. LAMP received \$39,302 in interest, leaving an end of the year balance of \$2,588,799. LAMP currently has 650 members. Of these 377 qualify for supplemental medical benefits, 272 qualify for medical screening, and one for a \$25,000 benefit.

Audience Member Question - How much LAMP funding has been provided to the CARD Clinic for health care?

Answer - I do not know, but I will find out.

CARD Clinic Report

Mr. Giesey reported on behalf of the CARD Clinic. The Clinic will be moved into its new building in April which it is renting with an option to buy. CARD has recently revised the membership of the Committee for Asbestos-Related Research (CFARR), which is a committee of scientific advisors who have helped the CARD determine the feasibility of a research center for Libby, and are advising it on developing the Libby Research Center. The CARD has a monthly conference call with this committee. CARD is continuing to search for private foundation money for the research center. CARD will soon be making the first expenditure of funds provided by the City when it ordered hardware and software for development of a data base. EPA has offered assistance in developing the data base. CARD has applied for a research and infrastructure grant (BRIC Grant). CARD is also preparing the second issue of its newsletter which will be mailed to all CARD patients and to anyone else signing up to receive it.

ARD Net

Gayla Benefield and Tanis Lincoln reported that the Asbestos Related Disease Network (ARD Net) will be convening an asbestos health fair will be held on March 5 from 10 a.m. - 2 p.m. in the Ponderosa Room of Libby City Hall. The fair will include exhibits and presentations by providers of services related to asbestos. The fair schedule includes Dr. Black and Dr. Whitehouse at 11 a.m., University of Montana researchers discussing autoimmune disease at noon, and UM's Dr. Liz Putnam on genetics research and Mark Persek on mesothelioma at 1 p.m. ARD Net is funded by a CDBG grant and allows community medical providers to communicate about asbestos-related disease topics. ARD Net meets monthly at noon on the second Thursday of the month at the Venture Inn. Meetings are open to the public.

Legislative Resolution

Eileen Carney reported that Senator Dan Harrington will introduce in the Montana Legislature a resolution putting the legislature on record in favor of ensuring that the needs of the people of Libby are adequately addressed in the federal asbestos legislation. Support of this resolution by people from Libby in person or by telephone, fax, or email would be helpful.

Audience Member Question - I understand that the Libby residency requirement for qualifying for assistance under the federal law under consideration in Congress has been changed to 2005. Is that correct?

Response - Yes.

Public Comment

Gerald Mueller stated that he had received a letter from Michael Crill regarding the Stimson property, and that he had emailed the letter to CAG members. Mr. Mueller stated that he forgot to bring hard copies of the letter to hand out to the CAG at this meeting. A copy of the letter is appended below as Appendix 3.

CAG Member Comment - A letter from Jim Christiansen to the TAG asked for issues to which EPA should respond. EPA should respond to the response document, prepared by the TAG technical advisor and approved by the TAG Board, in its entirety. Also, I have spoken with Dr. Aubrey Miller, EPA's Chief Medical Officer and Toxicologist, and he will be coming to a future CAG meeting. I will raise the issue of the toxicity of the Libby asbestos fiber then.

Audience Member Question - What is the background of the Acting EPA Administrator?

Answer by Peggy Churchill - He was the Deputy Administrator under Administrator Leavitt.

January 13, 2005 Meeting Summary Correction

In a question of a CAG member to the representative of the CARD Clinic, reference was made to "vitamin A and retinal (sic)." Vitamin A and retinol are the same substance.

Next Meeting

The next CAG meeting was scheduled for 7:00 to 9:00 p.m. on Thursday, March 10, 2005 in the Ponderosa Room of Libby City Hall.

Appendix 1

CAG Member & Guest Attendance List February 10, 2005

| Members | Group/Organization Represented |
|-------------------|---------------------------------------|
| David Latham | <i>The Montanian Newspaper</i> |
| Clinton Maynard | Area Asbestos Research Group |
| Connie Welter | St. John's Lutheran Hospital |
| Mike Giesey | CARD Clinic |
| Wendy Thomi | EPA Community Involvement Coordinator |
| Peggy Churchill | EPA |
| Catherine LeCours | DEQ |
| LeRoy Thom | Former Grace Employee |
| Gayla Benefield | LCAVRO |
| Eileen Carney | TAG and ARD Net |
| Norita Skramstad | Asbestos Victim |

Appendix 2

Main Points from Denver Risk Meeting

CERCLA = Superfund = a law

- EPA can't do everything or anything it wants. The Agency operates under legal authority that comes from the Superfund law.
- Superfund allows two types of cleanup:
 - (1) Removal (Short Action Memo authorizing immediate cleanup based on "imminent and substantial endangerment;" usually 2 years and \$2 million)
 - (2) Remedial (lengthy studies leading to a Record of Decision before cleanup; usually lengthy costly cleanups)
- The Project Manager is only authorized to do the work that is approved in the Action Memo or Record of Decision.
- The rationale in the Action Memo for removing Vermiculite from Libby attics is:
 - (1) tradeworker exposures in attics, not exposures in homes with vermiculite, and (2) presence of multiple exposure pathways in Libby
- It is to Libby residents' advantage for EPA to continue to find creative ways to keep cleanup going by using both cleanup authorities. We work out issues as we go rather than to try to figure everything out before starting.
- EPA believes the remaining risk is significant, and that is why we are spending \$20M per year. The program we have in place is designed to remove the most accessible remaining source materials and most significant exposures as quickly and thoroughly as we can given the legal and financial constraints.

Risk Assessments

- There aren't widely accepted risk models for Libby asbestos, but still a requirement to conduct and use a risk assessment
- The nature of risk assessments in general is that they are uncertain. They don't provide any certain safe numbers.
- Because the numbers are uncertain, there is a margin of error built into the process up front to make it more protective. There are other assumptions that EPA makes in order to make the risk assessment more accurate and more protective.
- The process of risk assessment is: how often you're exposed and for how long (exposure frequency and duration) X the asbestos concentration X the toxicity of the asbestos.
- EPA standards for acceptable risk and exposure are not zero.

Analytical Methods

- EPA is as good at measuring asbestos in soils as possible right now, [here are benefits and drawbacks to any method. We are still using TEM for air and dust.
- We have moved FORWARD, not BACK WARD. since the project inception, and since the transition to remedial program.
- PIM-VE is the best method we have right now, and critical to what we are doing. It is a substantial improvement over PLM.
- Other factors at Libby such as experienced analysts and continuity make our measurement system as good as it can be right now,
- EPA's PE study tests unproven and new methods for measuring asbestos in Libby soil, It is cutting edge and specially tailored for Libby soil.
- EPA will use the results of this study to evaluate, supplement, and perhaps modify future response.

Risk Management

- The cleanup is a good balance of many competing factors. While not perfect, it is very protective. EPA is always willing to improve our processes and outcomes.
- Highest risk in Libby has been mitigated. The risk presented by the remaining small scale sources is low relative to the large sources already removed,
- The disease seen today is largely from conditions that are no longer present (mine operations. mine take home dust, ambient air, screening plant, export plant, ball fields, schools, carelessness with vermiculite, etc.) However, having evidence of some non-occupational health effects, EPA is committed to reducing risk.
- Asbestos, including Libby asbestos, is a fact of life across the country and in Libby. Some exposures will not be stopped by EPA, and some costs will fall to the residents. EPA is looking for ways to offset that.

Overall Cleanup

- EPA uses safeguards to make the process very protective - some are not obvious are very progressive. (using visible vermiculite as a trigger, not sampling VCI, grinding soil samples, counting very small fibers, considering Berman/Crump, cleaning up trace detects in soil, HEPA vacs).
- Our basic approach to measuring success is two fold.
(1) conduct reasonably conservative clearance sampling, and
(2) revisit cleaned areas and measure actual exposure.

Appendix 3

Michael Crill
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Sept. 8, 2004

PUBLIC COMMENT ON: Stimson Property

To All Concerned:

I would like to comment on the property now owned by Libby and submit in this letter issues that I feel are in need of being addressed prior to any planned development or sale of this property.

The issues that I present in this letter, all have one thing in common, which is also my main concern and has been for many years now, the health and safety of our citizens and our children. I feel a need to speak on behalf of the children, about these issues that do and will concern them, long after we are all gone. The price paid by what W. R. Grace did to Libby is being paid by every one living and breathing in Libby, resulting in dying, is far more the price paid, than losing a home or business or property, even a town but the truth is we all lost in this contamination and deadly exposure to Tremolite asbestos of over forty plus years, created by Grace, allowed by Government and kept from the workers and citizens also by Lincoln County, etc., until the obvious became the truth, people dying and here we are today. This must stop and this is what I request done. I want to warn, inform all citizens to protect them from something that kills them. To do so is to inform those responsible, the following issues with hopes that they,(you) do what needs to be done in the best interest of the people and children for whom I speak, with health and safety made a priority, first.

I became aware and concerned of the Stimson, (St. Regis at this time) property many years ago when I requested something done to stop children and the public from swimming and fishing in Libby Creek from, Spencer Road to the River. My concern was exposure to many cancer causing chemicals and toxins that existed and still do today, between this areas. Creosote and Pyrene I know cause cancer and is absorbed through the skin and the fish caught also present risk in eating. The fact is, this is a contaminated area along with the entire Stimson property, now owned by Libby. By the way, a fence was erected, on one side of Libby Creek, at the bridge. And the children continue to swim and fish there, today. Sad and wrong.

My concern is the contamination of this property and that if this property is to be used in any way, involving people and disturbance of the soil for development, anything to do with this property must, I repeat, must, deal and address the issue of cleaning this property and I mean cleaning it right, first. I am against the Motor Cross Race track on this site by the way. Didn't we learn enough about our children being exposed playing baseball and today they are dying? How could you do that to our kids, today? This is wrong and you responsible know it's wrong. Those kids are being exposed by the dust they are creating and this must stop.

The entire property of Stimson is contaminated with the following: Tremolite Asbestos fibers and,

- a) PCB's d) Creosote
- b) Arsenic e) many other toxic and cancer causing chemicals,
- c) Pyrene solvents, degreasers, etc..

The contamination from these poisons, have resulted in the contamination of three aquifers below this entire site. In fact, the contamination from this site is so wide spread that it has migrated beyond the Stimson property along Libby Creek, to the river. UP SIREAM, to about the middle of Spencer Road. The boundary of this contamination exists from Libby Creek, all the way to Parmenter Creek, by Pioneer Park, that flows next to Rousers, all the way to the Kootenai River. This aquifer under this section of town is polluted beyond human consumption. There are still people who water their gardens and yards with this water and those on wells are not to drink the water but I'm sure many do today and are not aware of the dangers in doing so. This is sad and wrong also. The water is so polluted in some areas that there is underground ponds of nothing but bad stuff and to disturb them is to expose and create more of a contamination, so these have been left alone. There are homes in this area, that when the run off is high, their basements fill up with water and then when the water recedes, many of these toxins, etc., are left behind for exposure and contamination, to what ever comes in contact with, mainly the residence of these homes and children.

I have obtained a copy of an EIS final report done in 1990 called, "No Migration Petition Report Land Treatment Units Libby, Montana. Prepared for Champion International Corporation Stamford, CT. May 1990, by Woodward-Clyde Consultants." Project No.22243-21525. I have enclosed this report for you all to read because this report will answer most all questions you may have about, what I have presented to you all and many other questions needing to be known, with answers to resolving such questions. This report will speak for itself. What must be done is address the clean up issues first, before anything is done. What has to be cleaned, how is it to be cleaned, right, all of the land contaminated and the cost to do it right. I expect this clean up, to do it right, will cost millions. I would expect those involved; seek clean up expenses from those responsible, for this contamination and exposure because it is wrong and illegal to expose people, knowingly, to something that, will kill them. This site, the Stimson Property, now owned by Libby, is a bad and poisonous place, for people to frolic, raise dust and create exposure and contamination to all things that come in contact with the soil and water, including the surroundings, within miles, as with Tremolite asbestos fibers, once air borne does travel for miles. So before anything is disturbed, excavated, dug, removed, etc., from this site, I believe the issues presented warrant such a cause on behalf of the people and the children, to do what must be done to warn, inform and protect all, first. This is what I have done by presenting you with this public comment and the 1990 report. I do take these concerns seriously, I have for many years. And for many years, no one listen nor cared (Imagine that!!!) and even when I brought this report and a letter similar to this letter addressing the same concerns to EPA and, in December of 03, it sat on a shelf for two weeks until I retrieved it. It hadn't been touched. Today is Sept. 9, 2004, almost a year and I now send to you the same concerns and the same hopes that, what needs to be done is done right and nothing less and what must not be done, not be done at all cost to protect all.

Please understand my concerns and I hope with what I've sent will be used in the best interests to all with health and safety in mind.

Thank you for your time and concern in this matter. Feel free to contact me if need be. Even though I've moved away, my heart and exposure belongs to Libby and I

shall continue to care and speak out, for the children and the people who care also as I. the truth is the truth, I too wish the hell it wasn't true but then again, it's not our fault most of us are dead and dying because we were never told, warned or protected from something that is killing us. We do know the truth now. WE must pass the truth to those to follow. How can we not??? WE should have been....

Please return my report when done. Feel free to copy, use, what is needed, it's public record and I shall await your reply.

Sincerely and Still Breathing
Michael Crill